

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH LAMONT BURLEY, JR., )  
                                  )  
                                  )  
Plaintiff,                   ) Civil Action No. 21-19  
                                  )  
                                  )  
v.                            ) District Judge W. Scott Hardy  
                                  ) Magistrate Judge Patricia L. Dodge  
JOSHUA D. LAMANCUSA, et al., )  
                                  )  
                                  )  
Defendants.                 )

**MEMORANDUM ORDER**

This matter comes before the Court on *pro se* Plaintiff Keith Lamont Burley Jr.'s Objections (Docket No. 3) to the Report & Recommendation ("R&R") of Magistrate Judge Patricia L. Dodge entered on January 15, 2021. (Docket No. 2). The R&R recommends that Plaintiff's "Request for Removal" (Docket No. 1) be denied and this federal case be dismissed. Service of the R&R was made on Plaintiff by mail and he was informed that any objections to same were due by February 1, 2021.

On January 29, 2021, the Court received Plaintiff's Objections to the R&R, in which he maintains that this case should remain in federal court to shield him from bias and prejudice which he believes exists in state court. (Docket No. 3 at 3-4, 6).

In resolving a party's objections, the Court conducts a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.* Upon careful *de novo* review of the R&R, Plaintiff's Objections and the entire record, the Court concludes that the Objections do not undermine the R&R's recommended disposition.

In so ruling, the Court agrees with Magistrate Judge Dodge's conclusion that Plaintiff cannot remove the civil action he commenced in the Court of Common Pleas of Lawrence County, Pennsylvania to federal court. (*See* Docket No. 2 at 2). Pursuant to the federal removal statutes, only state court *defendants* can remove cases to federal court. *See* 28 U.S.C. §§ 1441, 1443, 1446; *Conner v. Salzinger*, 457 F.2d 1241, 1243 (3d Cir. 1972) ("It is settled that the cited removal statutes confine the right of removal from a state court to a federal district court to *a defendant or defendants.*"') (emphasis in original).

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 11<sup>th</sup> day of February, 2021,

IT IS HEREBY ORDERED that Plaintiff's Objections to the R&R (Docket No. 3) are OVERRULED, and the R&R (Docket No. 2) is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's "Request for Removal" (Docket No. 1) is DENIED and this federal case is DISMISSED for the reasons set forth in the R&R and further detailed herein.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/ W. Scott Hardy  
W. Scott Hardy  
United States District Judge

cc: Keith Lamont Burley, Jr. (via U.S. mail)  
EC0000  
SCI Forest  
286 Woodland Drive  
PO Box 945  
Marienville, PA 16239-2110